

REMARKS:

The Examiner objected to Claim 13 for informalities as the disc lacked antecedent basis. The dependency of Claim 13 has been amended such that same now depends from Claim 12, and antecedent basis is provided as assumed by the Examiner.

The Examiner rejected Claims 1, 2, 9, 10, 11, 14, 16, 17, 18 under 35 U.S.C. 102(b) being anticipated by Delaurier.

The Applicant respectfully submits that all elements of the Applicant's claimed invention are not disclosed in the cited prior art, and so the rejection is unsupported by the prior art and should be withdrawn. In particular the following element of Claims 1 and 16 is not disclosed in Delaurier:

“a stop operative to selectively fix the position of the shafts with respect to the frame bracket”

At column 4, lines 30 - 45 Delaurier states:

“The upright mounting plates 46 extend upward past the tool bar 18 and the upper end 52 of the respective support arms for mounting a first end 58 of a spring 60 between each pair of plates. The springs 60 each include a rod 62 slidably mounted co-axially therethrough. The rod 62 is pivotally mounted on the corresponding support arm at a first end and extends past the spring at a second end. A radially extending flange 64 is mounted on the rod towards the first end and supports a second end 66 of the spring 60 thereon. A second end of the rod 62 is mounted in a bushing mounted between the upright mounting plates 46 and includes a nut 68 secured on the end thereof for restricting the second end of the rod from sliding inwardly past the first end of the spring. The springs 60 are mounted in compression for engaging the flanges 64 and urging the rods outwards thus urging the support arms downward.”

In the present Claims 1 and 16 the stop is operative to fix the position of the shafts with respect to the frame bracket. By fixing the shafts with respect to the frame bracket the ground engaging tool is maintained at a constant position with respect to the frame bracket.

In contrast, the action of the Delaurier apparatus can be discerned by reviewing Figs. 1 and 4 in light of the description above. Rod 62 is pushed outward by the springs, and slides in the bushing between the upright mounting plates 46. The harrow moves up and down, and the apparatus described urges the support arms and attached

harrows downward. During operation the rod 62 must slide back and forth in the bushing as the harrow moves up and down. The nut 68 only functions to keep the rod from sliding out of the spring, as described in the underlined text above, and does not fix the rod with respect to the bracket.

Thus the position of the rods is not fixed with respect to the frame bracket. The Delaurier patent thus does not disclose the above element of Claims 1 and 16.

In further particular the following element of Claim 1 is not disclosed in Delaurier:

“a frame bracket defining a pair of laterally spaced parallel cylindrical bores, the frame bracket adapted for rigid attachment to the implement frame such that the bores are oriented substantially upright”

and the following corresponding element of Claim 16 is also not disclosed:

“an implement frame comprising a frame member defining first and second laterally spaced parallel cylindrical bores oriented substantially upright”

In contrast in Delaurier the bores are not oriented substantially upright, but appear to be oriented essentially laterally at about 15 ° up from the horizontal, as indicated by the angle of the rods 62 in Fig. 4. The Delaurier patent thus does not disclose the above element of Claims 1 and 16.

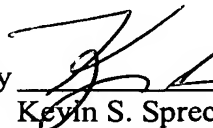
Conclusion

Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 1 – 22 are now in condition for allowance. The applicant solicits the allowance of Claims 1 – 22.

If, however, the Examiner should for any reason consider this application not to be in condition for allowance he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 15th day of December 2004.


Beth O'Bryan